

In the United States Court of Federal Claims

OFFICE OF SPECIAL MASTERS

GENE BOSTWICK, JR.,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

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No. 19-1845V

Special Master Christian J. Moran

Filed: February 15, 2023

Stipulation; influenza (“flu”) vaccination;
shoulder injury related to vaccine
administration (“SIRVA”)

Edward Kraus, Kraus Law Group, LLC, IL, for Petitioner;

Catherine Elizabeth Stolar, United States Dep’t of Justice, Washington, D.C., for Respondent.

UNPUBLISHED DECISION¹

On February 15, 2023, the parties filed a joint stipulation concerning the petition for compensation filed by Gene Bostwick on December 5, 2019. Petitioner alleged that the influenza (“flu”) vaccination he received on October 3, 2017, which is contained in the Vaccine Injury Table, 42 C.F.R. §100.3(a), caused him to develop a Shoulder Injury Related to Vaccine Administration (“SIRVA”). Petitioner represents that there has been no prior award or settlement of a civil action for damages on his behalf as a result of his condition.

Respondent denies that the vaccine caused petitioner to develop SIRVA.

Nevertheless, the parties agree to the joint stipulation, attached hereto. The undersigned finds said stipulation reasonable and adopts it as the decision of the Court in awarding damages, on the terms set forth therein.

Damages awarded in that stipulation include:

¹ The E-Government Act, 44 U.S.C. § 3501 note (2012) (Federal Management and Promotion of Electronic Government Services), requires that the Court post this decision on its website. Pursuant to Vaccine Rule 18(b), the parties have 14 days to file a motion proposing redaction of medical information or other information described in 42 U.S.C. § 300aa-12(d)(4). Any redactions ordered by the special master will appear in the document posted on the website.

A lump sum of \$10,000.00 in the form of a check payable to petitioner. This amount represents compensation for all damages that would be available under 42 U.S.C. § 300aa-15(a).

In the absence of a motion for review filed pursuant to RCFC, Appendix B, the clerk is directed to enter judgment according to this decision and the attached stipulation.²

IT IS SO ORDERED.

s/Christian J. Moran
Christian J. Moran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.